

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Troy MacDermott,

Civil No. 24-CV-1234 (DWF/DJF)

Plaintiff,

v.

ORDER

Benjaman Shelabarger, a/k/a
Benjamin Shelabarger,

Defendant.

This matter is before the Court on Defendant Benjaman Shelabarger’s Motion to Compel (ECF No. 122) and Notice of Intent to File Sanctions for Failure to Produce Discovery (“Notice of Intent”) (ECF No. 121). Mr. Shelabarger seeks a court order requiring Plaintiff Troy MacDermott to respond to interrogatories he served on Mr. MacDermott on March 12, 2025 (“Interrogatories”). (*See* ECF No. 122.) Mr. Shelabarger further states his intent to seek sanctions against Mr. MacDermott for failure to respond to discovery requests he served on Mr. MacDermott on February 3, 2025 (“February Request”) (ECF No. 74). (*See* ECF No. 121.) It is unclear whether Mr. Shelabarger seeks immediate relief in his Notice of Intent. The Court denies Mr. Shelabarger’s Motion to Compel and any request for relief asserted in his Notice of Intent for the reasons explained below.

Under Federal Rule of Civil Procedure 33(b)(2), a party has 30 days to respond to interrogatories unless the parties otherwise stipulate or the Court orders. The record does not reflect any stipulation or order altering the 30-day deadline under Rule 33(b)(2). Discovery in this matter closed on March 24, 2025. (ECF No. 77.) Mr. Shelabarger did not serve his Interrogatories on Mr. MacDermott until March 12, 2025. (ECF No. 120.) The Pretrial Scheduling Order clearly

states that “all fact discovery must be served in time to be completed” by the fact discovery deadline (ECF No. 20 at 2, emphasis in original). Mr. Shelabarger therefore did not timely serve his Interrogatories on Mr. MacDermott and Mr. MacDermott need not respond to them.

Further, the Court previously addressed Mr. Shelabarger’s February Request in its March 24, 2025 Order (ECF No. 103). The Court directed Mr. MacDermott to respond to the February Request by April 21, 2025. (*Id.* at 4.) That date has not yet passed, and therefore, to the extent Mr. Shelabarger’s Notice of Intent seeks relief from the Court with respect to the February Request, his request for relief is premature.

ORDER

Based on the foregoing, and on all files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT** Defendant Benjamin Shelabarger’s Motion to Compel (ECF No. 122) is **DENIED** and any request for relief asserted in his Notice of Intent (ECF No. 121) is **DENIED** without prejudice.

Dated: April 18, 2025

s/ Dulce J. Foster

DULCE J. FOSTER

United States Magistrate Judge